

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INDEPENDENT ASSET MANAGEMENT,
LLC,

Plaintiff,

- against -

DANIEL ZANGER,

Defendant.

Index No. 07-CV-6431 (JSR)

ECF

**PLAINTIFF'S PROPOSED
VERDICT SHEET**

Plaintiff Independent Asset Management, LLC ("Plaintiff" or "IAM"), by its attorneys, Balestrieri Lanza PLLC, hereby submits the attached proposed Verdict Sheet.

Dated: New York, New York
July 28, 2008

Respectfully submitted,

s/ Craig Stuart Lanza

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VERDICT FORM

I have prepared a verdict form for you to use in recording your decision. The verdict form is made up of questions concerning the issues you must decide in this case. You should answer every question, except where the verdict form indicates otherwise.

SECTION 1**IAM's Claims for Breach of Contract****Question 1A**

Do you find that Zanger had full responsibility for trading in IFL?

Yes _____ No _____

Question 1B

Do you find that Zanger either intentionally or with gross negligence failed to disclose his trading positions to IAM at all times?

Yes _____ No _____

Question 1C

Do you find that Zanger either intentionally or with gross negligence failed to notify IAM when illiquidity existed?

Yes _____ No _____

Question 1D

Do you find that Zanger caused two day trading margin calls in late 2006?

Yes _____ No _____

Question 1E

If you answered "yes" to Question 1D, do you find that Zanger was obligated to cover those margin calls? (If you answered "no" to Question 1D, proceed to Question 1G.)

Yes _____ No _____

Question 1F

If you answered "yes" to Questions 1D and 1E, do you find that Zanger either intentionally or with gross negligence did not cover these day trading margin calls? (If you answered "no" to Question 1D, proceed to Question 1G.)

Yes _____ No _____

Question 1G

If you answered "yes" to any one of Questions 1B, 1C, and/or 1F, do you find that Zanger's actions harmed IAM?

Yes _____ No _____

Question 1H

Do you find that IAM satisfied its obligations under the contract with Zanger.

Yes _____ No _____

Question 1I

If you answered "no" to Questions 1H, do you find that Zanger consented to receiving money from IAM as soon as IAM was able to pay Zanger what he was due?

Yes _____ No _____

SECTION 2

IAM's Claims for Breach of Fiduciary Duty

Question 2A

Do you find that IAM and Zanger shared a fiduciary relationship?

Yes _____ No _____

Question 2B

Do you find that IAM and Zanger intended to enter into a joint venture?

Yes _____ No _____

Question 2C

Do you find that IAM and Zanger both contributed to their joint venture?

Yes _____ No _____

Question 2D

Do you find that IAM and Zanger both exercised control over their joint venture?

Yes _____ No _____

Question 2E

Do you find that IAM and Zanger shared in the profits and losses of the joint venture?

Yes _____ No _____

Question 2F

Do you find that Zanger failed to treat IFL with as much care as he treated his other trading accounts?

Yes _____ No _____

Question 2G

Do you find that Zanger placed his own interests ahead of those of IAM and IFL?

Yes _____ No _____

Question 2H

If you answered "yes" to either Questions 2F or 2G, do you find that IAM was damaged as a result of Zanger's actions?

Yes _____ No _____

SECTION 3

Punitive Damages

If you answered "yes" to Question 2H, please state the dollar amount of punitive damages awarded to Plaintiff IAM, if any:

\$_____

DO NOT PROCEED ANY FURTHER. NOTIFY THE MARSHALL THAT YOU HAVE REACHED A VERDICT, AND HAVE THE FOREPERSON SIGN THIS VERDICT SHEET.

FOREPERSON